

Research Project: FRA Survey on Ukrainian Refugees

The European Union Agency for Fundamental Rights (hereinafter FRA or Agency) processes the personal data of a natural person in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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1. Why do we process personal data?

Since 24 February 2022, the European Union experiences a mass influx of displaced persons fleeing the war in Ukraine. In response, the European Council activated the 2001 EU Temporary Protection Directive (Council Directive 2001/55/EC) through Council Implementing Decision (EU) 2022/382 of 4 March 2022. The Directive provides minimum standards for giving temporary protection in the event of a mass influx of displaced persons. However, the Directive is implemented for the first time. Therefore information on its implementation on the ground, based on the actual experiences of those who benefit from its application, are of critical importance.

This survey focuses in particular on refugees and their children and their situation in the new country of residence, their experiences, background information, opinions, feelings and views.

The purpose of the processing of the personal data is to collect comparable, timely and relevant data on situation and experiences of people fleeing to the European Union from the war in Ukraine. The research covers 10 European Union Member States (Bulgaria, Czechia, Estonia, Germany, Hungary, Italy, Poland, Romania, Spain and Slovakia).

2. What kind of personal data is processed ?

We will collect only the following personal data necessary for the processing operation described above.

General personal data:

- Personal details (nationality, gender, age)
- The email address of the respondent
- Up to 5 email addresses of children for whom the adult is responsible to whom a link will be sent.

The email address of the respondent will be stored if the button “Resume later” is clicked and if the respondent provides an email address. The email address field is not mandatory. If an email address is provided it will be used to send the user an email with a link to the unsubmitted survey as well as their pseudonym and the redacted password. This is not a mandatory field. If an email address is provided it will be stored until the respondent completes the survey or until up to 48 hours after the survey deadline has expired.

At the end of the survey the respondent can provide up to 5 email addresses of children to whom the child survey URL will be sent. The link provided will be customised and will include an additional parameter indicating the response ID of the adult survey so that the survey responses of an adult can be linked to the survey responses of their children. The email addresses are entered into a form on the FRA website and are stored for 24 hours then are automatically deleted.

Emails are sent via Flowmailer, an SMTP relay service to which emails are directed before they can be sent on to the final recipient. In the process, recipient email addresses are stored in Flowmailer to

ensure that emails are sent correctly and are not marked as spam. Flowmailer stores the date and time the email was sent, the email from and to address, the delivery status as well as the subject and text of the email.

- Data relating to education and training [The survey respondents are asked to select general categories which they think fits the best their situation (e.g. education level, attending education)]
- Employment details - The survey respondents are asked to select general categories which they think fits the best their situation (ex. Unemployed/self-employed etc.)
- Family, lifestyle and social circumstances - The survey respondents are asked to select general categories which they think fits the best their situation (ex. Married, living with a partner, etc.)

Special categories of personal data:

In the survey, special categories of personal data can be also collected, such as information about your racial or ethnic origin, migrant background, religious or philosophical beliefs, or data concerning physical or mental health and about sexual orientation and gender identity. We will only collect this kind of data if you have given your explicit consent to do so.

The data resulting from the survey will be anonymous. Respondents' answers to the survey will be stored in a data set. Individual respondents cannot be identified from the data set. The results will be reported in aggregate format (e.g. as percentages or mean values) so that it will not be possible to recognise individual respondents from the results.

3. How is your personal data processed?

The data will be processed as follows:

- The data will be anonymously collected by means of an online questionnaire which will be programmed in Lime Survey software.
- The data (excluding the email addresses of the children to whom a link will be sent) will be stored in the SQL database on FRA servers (located Spain) wherefrom they will be exported into a data set.
- The data set will be securely kept (protected by password).
- The data set will analysed by FRA staff in such a manner that your responses cannot be identified and linked to you.
- The results of the analysis will become publicly available, it will not be possible to link your responses to you.
- The data set will be shared with the third parties for research purposes only after additional level of anonymization has been performed. In practice this means that among others, variables that could potentially help identify an individual will be categorised (for example, instead of concrete age only age category might be provided).

4. Who is responsible for processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of the Equality, Roma and Social Rights Unit is responsible for this processing operation.

5. Which is the legal basis for this processing operation?

This processing operation is in line with the Agency's objectives, as stated in Article 2 of its founding Regulation (EC) No 168/2007, as amended by Regulation (EU) 2022/555 (the amended founding Regulation), to provide its stakeholders, including Union institutions and EU Member States, with assistance and expertise relating to fundamental rights. More specifically, this activity falls under Article 4(1)(a), (c) and (d) of the FRA amended founding Regulation, which tasks FRA with collecting, recording, analyzing and disseminating relevant, objective, reliable and comparable information and data. Therefore, the processing is lawful under Article 5.1.(a) of the Regulation (EU) No 2018/1725.

In addition, the processing of the personal data is also in accordance with Article 5.1.(d) of Regulation (EU) No 2018/1725, as regards the respondents' participation to the survey and the provision of their contributions, which is voluntary, based on their consent.

With respect to the possible processing of special categories of personal data, this is lawful under Article 10.2(a) and 10.2(j) of Regulation 2018/1725. Specific consent has been given and it is stored.

6. Who can see your data?

The data will be processed and can be accessed by the FRA team working on the project. Access is restricted to authorized staff members and only these members have access rights to open the files. More specifically, the data analysts and statisticians from FRA's team will have access to the dataset. The analysis of the dataset will be done to provide fully anonymised and aggregated data and results from the Survey on Ukrainian Refugees, leading to FRA publications. Moreover, the data set can be accessed by the responsible head of the unit (Equality, Roma & Social Rights Unit) and delegated members of the project team.

Certain employees of the external web development and web hosting contractors, who are bound by specific contractual clauses for any processing operations on behalf of FRA in accordance with Regulation 2018/1725.

Flowmailer service provider. All data processed by Flowmailer is safely stored in independently functioning Dutch data centers (Amsterdam region). Customer data therefore never leaves the European Union. This makes Flowmailer 100% GDPR compliant. Any company domiciled in the European Union is entitled to transfer personal data through Flowmailer under the same rules as if it were to transfer data within their country (i.e. BDSG).

7. Do we share your the survey data with other organisations?

Personal data is processed by the Agency only. The Agency does not intend to share your personal data with any third party or organisation.

The anonymised data may be shared with third parties for research purposes to ensure that the research community can benefit from the collected data when examining how people's experiences and opinions differ across countries.

8. Do we intend to transfer your personal data to Third Countries/International Organizations?

No.

9. When we will start the processing operation?

We will start the processing operation in August 2022.

10. How long do we keep your data?

Data collected will be anonymised i.e. any metadata that could possibly identify an individual will be deleted.

The anonymised dataset will be stored indefinitely by FRA. The anonymised dataset may be indefinitely stored also by a data service (such as e.g. Gesis).

The email address of the respondent will be stored if the button "Resume later" is clicked and if the respondent provides an email address. It will be stored until the respondent completes the survey or until up to 48 hours after the survey deadline has expired.

At the end of the survey the respondent can provide up to 5 email addresses of children to whom the child survey URL will be sent. These email addresses will not be stored in the Limesurvey dataset once they have been entered. The email addresses will be stored for 24 hours in the database linked to the FRA website and after this period they will be automatically deleted.

For emails sent by FlowMailer, metadata (such as headers and time stamps) are saved for 3 years and the entire email (including the email addresses) is saved for 1 year.

11. How can you control your data?

Under Regulation (EU) 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence,

the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised..

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to just_digit_secure@fra.europa.eu.

11.1. The value of your consent

Since your participation is not mandatory, we need proof that you consented to the processing of your personal data. Consent will be collected through a consent form provided to you and, if required, your parent or guardian.

You have the right to withdraw your consent at any time. All processing operations up until the withdrawal of consent will still be lawful. Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence, the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised.

11.2. Your data protection rights

a. Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period.

Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence, the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised.

b. Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time. Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence, the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised.

c. Can you restrict us from processing your data?

You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence, the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised.

d. Can you delete your data?

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

Please note that the data is collected anonymously by the Agency, and the Agency will not be able to identify any respondent in the dataset after the submission of the survey by the respondent. Hence, the Agency will not be in the position to modify and/or delete any additional data stored, which will be already anonymised.

e. Are you entitled to data portability?

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: I) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means; II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

f. Do you have the right to object?

When the legal base of the processing is “necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body” which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

g. Do we do automated decision making, including profiling?

Your personal data will not be used for an automated decision-making including profiling.

12. What security measures are taken to safeguard your data?

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on computer systems with limited access to specified persons only.

13. What can you do in the event of a problem?

- a) The first step is to notify the Agency by sending an email to uas@fra.europa.eu and ask us to take action.
- b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at dpo@fra.europa.eu .
- c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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